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THE POSTWAR TREBIZOND COURT-MARTIAL

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The Turkish surrender to the Allied Powers by the Mudros Armistice on October 30, 1918, was followed by the flight of the chief architects of the Armenian Genocide. The triumvirate of Talaat, Enver, and Jemal pashas, Dr. Ahmed Nazim, Dr. Behaeddin Shakir, and other Young Turk leaders went into hiding in Germany, and several ended up in Russia where they used and were used by the nascent Soviet government for their respective goals and objectives.¹

As early as May 24, 1915, the British, French, and Russian governments (Entente Powers) had condemned the Turkish treatment of the Armenian population as a crime against humanity and gave notice that they would hold the Turkish government responsible both individually and collectively. After the fall of the Young Turk regime and flight of its leaders at the end of 1918, there was a clamor to punish the

¹ This survey of the postwar court-martial proceedings involving organizers of the deportations, massacres, and drowning of Armenians in the Trebizond area is based on the following sources: Vahakn N. Dadrian, "The Turkish Military Tribunal's Prosecution of the Authors of the Armenian Genocide: Four Major Court-Martial Series," *Holocaust and Genocide Studies* 7:1 (1997): 28-59; idem, "The Documentation of the World War I Armenian Massacres in the Proceedings of the Turkish Military Tribunal," *International Journal of Middle East Studies* 23:4 (1991): 549-76; Taner Akçam, "The Founding and Operation of the Ottoman Military Tribunals (*Divan-i Harbi Örfi*)," and "The Sixty-Five Trials Conducted during the Armistice Period: A Collection of Available Cases before the Military Tribunal (*Divan-i Harbi Örfi*)," papers presented at the Fourth Turkish-Armenian Workshop on "Ideologies of Revolution, Nation, and Empire: Political Ideas, Parties, and Practices at the End of the Ottoman Empire, 1878-1922," Salzburg, Austria, April 15-17, 2005; idem, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Metropolitan Books, 2006), pp. 205-302, 349-76; Avetis Papazyan, *Hay-eri tseghaspanutyune est Eritturkeri datavarutyanyan pastatghteri* [The Genocide of the Armenians According to the Documents of the Trial of the Young Turks] (Erevan: Armenian Academy of Sciences, 1989; reprinted in classical Armenian orthography, Los Angeles: Nor Hayastan, 2005).

culprits who had secretly plunged the Ottoman Empire into the world war as an ally of Germany and who had perpetrated unspeakable crimes against the Ottoman Armenian citizenry.

The urgency of bringing the Young Turk dictatorial clique to justice was motivated in part by the rancor of the political foes of the Ittihad ve Terakki party and the hope that punishment of the Young Turk leaders would demonstrate that the new government of the Ottoman Empire repudiated the vile acts of the preceding regime and that a remorseful distancing from the criminal atrocities would moderate the territorial and other losses that the Allied victors certainly intended to impose. From December of 1918 until the spring of 1919, numerous decrees were issued to establish commissions of investigation and tribunals, initially with both civilian and military members but subsequently solely as military courts-martial. There were many restructurings of the tribunals during the next two years, sometimes influenced by political developments in the country and the relationship between the then-current grand vizier (prime minister) and Mustafa Kemal's Nationalist movement, which emerged and strengthened in the interior provinces throughout 1919. There were many complaints about the slow pace and ineffectiveness of the trials and of the increasing leniency that was shown toward known primary figures in the massacres and plunder of the Armenian population. This fact notwithstanding, several very important trials were completed and the relevant verdicts were published as supplements in the semi-official journal *Takvimi Vekayi*.

The first decree to establish a commission to gather evidence regarding the Armenian deportations and massacres was issued on November 23, 1918. Known as the Mazhar commission after the name of its chairman, the former governor (*vali*) of Bitlis, the body sent teams into the interior to gather evidence, including ciphered and regular telegrams, instructions and commands, other kinds of documents, and eyewitness testimony. A significant corpus of evidence was collected in several but not all locations as there was strong pressure for the trials to begin as soon as possible. It was decided to try by court-martial former cabinet ministers, Ittihadist central committee members and provincial "responsible secretaries," and local officials who were complicit in the crimes against the civilian population and in the expropriation of and profiteering from the confiscated goods and properties. Numerous local tribunals were established in the interior. Some of these functioned for a period of time, but most were of short duration and were closed

or suspended as the Kemalist movement grew in strength. Only fragmentary records, primarily newspaper accounts, remain from these provincial trials that extended from Bursa and Izmir to Samsun and Aintab.

The trials of the former cabinet ministers and Ittihadist leaders as well as several of the provincial trials, primarily Yozgat (Yozghat), Harput (Kharpert), Erzinjan (Erznga), Baiburt (Papert: Baberd), and Trabzon (Trapizon; Trebizond), were conducted in Istanbul (Constantinople) itself. Despite all the obstacles and drawbacks related to these trials, they demonstrated conclusively the premeditated nature of the Armenian Genocide and the role of the Special Organization (*Teshkilat-i Mahsusa*) under the direction of Dr. Behaeddin Shakir in implementing the secret lethal decisions of the party leaders. In July 1919, the main trial concluded with the sentence of death imposed on Enver, Talaat, Jemal, and Nazim. Behaeddin Shakir was condemned to death in relation to the Harput trial, but none of the sentences could be carried out because all of the condemned had already escaped. It remained for Armenian vengeance seekers to track down several of the leading fugitives and impose the sentence in bold acts of assassination. Enver may have escaped an Armenian bullet, although it is rumored that the Soviet soldier who shot and killed him as he led the anti-Soviet Basmachis revolt in Central Asia was himself an Armenian. Dr. Nazim survived until 1926 when he was among those hanged by Mustafa Kemal for involvement in an alleged plot against the Turkish president.

The Trabzon/Trebizond Court-Martial

Paralleling the proceedings against the Ittihadist leaders were the local trials in the provinces. Although the records of those proceedings are not available, if they still exist, the provincial trials that were transferred to the Ottoman capital provide important insights into the organization and execution of the Armenian Genocide. The Trebizond trial took place between March 26 and May 20 in twenty sessions. The chief defendants were the former vali/governor Jemal Azmi Bey, who had also been commandant of the Trebizond garrison, chief of military supplies and port facilities, and president of the provincial court-martial, and the Ittihadist Responsible Secretary Nail Bey (Yenbahcheli), who supervised the annihilation process. Both men were fugitives and were therefore tried in absentia. Others on trial were Mehmed Ali, director of customs and trustee of the Red Crescent Hospital;

Adjente (Agent) Ahmed Mustafa, representative of a maritime company; police chief Nuri Effendi; deputy commander of the gendarmerie and military requisitions committee member Talaat Bey; hotel manager and merchant Niyazi; director of health services Dr. Ali Saib (Sahib); and head of the Trebizond Special Organization Major Yusuf Riza.

The prosecutor Feridun demanded the death sentence for Jemal Azmi and Nail Bey, and long prison terms for the others, although he found mitigating circumstances for Dr. Saib in that the charge of his having poisoned Armenian children could not be proved without recovering their bodies from the sea and conducting autopsies. The doctor may have given the children overdoses of medications and could therefore be charged with being an accessory to their drowning. Subsequently, the cases of Ali Saib and Yusuf Riza were detached from the main trial for individual prosecution. Among those who testified during the court-martial proceedings were Colonel Mukhtar, chief of staff of the Trebizond and Lazistan armed forces; Avni Pasha, Trebizond military commandant; Colonel Vasfi, Trebizond chief of staff; Colonel Arif, Giresun commandant; Nazim Bey, former vali of Van; Tahsin Bey, former vali of Erzerum; Kenan, judicial inspector of Trebizond; Nejmeddin, head of the recruitment office; and Lieutenant Fadil Harun of the Special Organization, who bore witness to the poisoning of Armenian children in the Red Crescent Hospital and the drowning operations in the Black Sea.

The main verdict in the Trebizond trial was rendered on May 22, 1919. It reaffirmed that under the guise of deportation, the authorities had issued secret instructions and orders for massacre. Hardened criminals were recruited for the purpose. Once the Armenian men were eliminated, the remaining population was victimized as the women were stripped of their money and jewelry, and many were raped. Infants and children were loaded on barges and in boats to be drowned at sea. In a unanimous verdict, Jemal Azmi Bey and Nail Bey were condemned to death in absentia. Azmi was singled out as the prime organizer of the annihilation of the Armenian population. The verdict also took note of cases of mass drowning. Customs inspector Mehmed Ali was sentenced to ten years of hard labor. Police chief Nuri and Adjente Ahmed Mustafa received light sentences of one year imprisonment, while the hotel manager Niyazi and gendarme commander Talaat were acquitted for lack of sufficient evidence. Manastirli Tevfik, commander of a gendarmerie regiment, whose trial was attached to the Trebizond series after it had begun, was found guilty of being an accomplice of

Jemal Azmi.² Although the Turkish justice system failed to impose the prescribed punishment on Jemal Azmi, he, along with Behaeddin Shakir, was felled on the streets of Berlin on April 17, 1922, by Arshavir Shiragian and Aram Yerganian. Nail Bey, like Dr. Nazim, was hanged by Mustafa Kemal in 1926.

When Dr. Ali Saib's trial resumed in July 1919, health services inspector Dr. Ziya Fuad testified that according to information given by Dr. Ragib and Dr. Vehib, who had worked with Saib in the Red Crescent Hospital, the latter had administered strong doses of morphine to the children before they were dumped into the sea. But Vehib later denied such testimony. Subsequently, when the anti-Ittihadist and anti-Kemalist cabinet of Damad Ferid Pasha fell and was replaced by a grand vizier sympathetic to Mustafa Kemal, a new presiding judge was appointed to the Trebizond court-martial. This culminated in the acquittal of Dr. Saib for lack of sufficient evidence, allowing the doctor so deeply implicated in the murder of countless Armenian children and infants, like many other criminals, to escape any and all punishment.³

The Trebizond Trial Verdict

The verdict of the Trebizond trial as published in *Takvimi Vekayi* has been translated into Armenian and this, in turn, into an English version.⁴ A new, more literal, translation has been prepared but is not yet published.⁵ Thus, rather than a definitive verbatim text of the entire verdict, a paraphrased semi-literal version of the document is given below:

VERDICT

The charges, explanations, and defense of both sides were heard and all documents were studied and examined. Although the defendants denied the

² Dadrian, "The Turkish Military Tribunals' Prosecution," pp. 39-42.

³ Ibid., pp. 40-41.

⁴ The Armenian translation of the Turkish court-martial proceedings was done by Avetis Papazyan in *Hayeri tseghaspanutyune est Erritturkeri datavarutyanyan pastatgheri* (see note 1 above), with the Trebizond verdict on pp. 236-45. The English translation is edited by Vartkes Yeghiayan, *The Armenian Genocide and the Trial of the Young Turks* (La Verne: American Armenian International College Press, 1990), with the Trebizond verdict on pp. 159-65.

⁵ The new translation is part of a larger work co-authored by V.N. Dadrian and Taner Akçam.

accusations, the evidence demonstrates the opposite to be true, and the panel of judges therefore is unanimous in the following opinion:

The sublime commands of Islam and the customs of Ottoman law dictate that the preservation of the honor, life, and property of all Ottoman subjects without distinction is among the primary obligations of all officials. Despite this, Ittihadist Responsible Secretary Nail Bey gained power by utilizing secret orders from the governor Jemal Azmi Bey. In conformity with the secret orders received, the pair planned the massacre and elimination of the Armenians under the guise of deportation.

The defenseless Armenians were deported by guards bereft of morals, hardened criminals, and gendarmes who were willing to cooperate. Some distance from the city in an out-of-the-way place, the men and women were separated and their goods were plundered. After the men had been killed in the most atrocious of ways, the women were taken to another place where they were stripped of their valuables and clothing and where many were raped. The massacre and looting of the Armenians did not occur within but rather outside the city in an organized fashion.

Although the women were sent away on foot for months in a forced march, they were then ordered to yet another location by way of Erzinjan. They were so exhausted that many of them died of hunger and thirst and the hardships of the march. Some of the women who were left behind in Trebizond, along with boys and girls who had been sent to the houses of religious sheikhs and to hospitals supposedly for protection, were placed on barges and in boats to be sent to another location. But after being lost from sight, they were drowned and murdered by being thrown overboard.

The director of customs Mehmed Ali Effendi had on orders from Jemal Azmi Bey been engaged in the commission on abandoned property, jewelry, and military materials and in the customs bureau for checking passports of those arriving and leaving, as well as the agency dealing with women's issues at the Red Crescent Hospital, so that he was an accessory to the abuses of the governor. In addition, Armenian women and girls were gathered at the hospital and the homes of the religious sheikhs for protection as a patriotic duty, but in fact Mehmed Ali violated their honor by giving the women to men who wanted to marry them or to reduce them to misery and ruin through abusive servitude. The fact that the women were quickly taken away and those in the hospital violated was confirmed by eyewitness testimony. Ignoring warnings of his superior that involvement in illegal matters beyond the scope of his official duties would have serious consequences, Mehmed Ali willingly assisted in nearly all of these reprehensible actions.⁶

⁶ It is of interest that Mehmed Ali was on the first list of criminals compiled by

Although the police chief Nuri Effendi was responsible for maintaining order and was appointed to the commission to manage the acquired jewelry and property, he did not adopt effective disciplinary or administrative measures and made no effort to protect, record, and transport to secure depots the property gathered from the homes of the deportees. Rather, he allowed the

the Armenian Patriarchate of Constantinople in January 1919. He was described as "a notorious criminal" who "threw into the Black Sea little children stuffed in sacks," and who forced some of the girls whom he had robbed to live in the Red Crescent Hospital "while he distributed the rest among important persons of the Ittihad in Trebizond."

In testimony given to the British High Commission in Constantinople, Sophie Tahmazian, daughter of a prominent merchant, Onnik Mahokian, stated that on June 23, 1915, about twenty-five Armenian subjects of Russia were taken out to sea and shot. Only one got back to shore wounded to tell what had happened. The woman then described the deportation process, including the actions of Vali Jemal Azmi, Dr. Ali Sahib, Nail Bey, Agent Mustafa, and Mehmed Ali Bey as they took away batches of women and children from the Red Crescent Hospital and then filled their places with others, most of whom met the same fate. "With the others mentioned above, Mehmed Ali is responsible, actually responsible, for all the cruelties, deportations and murders that I have described. It was he who first stripped the women entering the hospital of all that they possessed. . . . It was Ali Sahib's duty to order which of the children were to be sent away. I have constantly seen him packing large baskets full of infants' corpses that the *hamals* [porters] took away and threw into the sea."

Siranouche (Siranush) Moutafian, daughter of Trebizond carpet merchant Nazareth Moutafian, was taken to an orphanage when the deportations began. "Adjente [Agent] Mustafa, Ali Sahib, Mehmed Ali, Nuri, and other Turks whose names I do not know came to the Orphanage and proceeded to separate out various groups of women and children, some were for deportation, some to be 'married' to Turks, etc. I clung to my mother and cried. My mother cried and begged Mehmed Ali. Mehmed Ali got angry with my mother, laid hands on her, gave her over to a Gendarme with the order to kill her along with the other women. I understand Turkish and heard all that was said. Two or three days later the same Gendarmes told us all in the Orphanage that my mother and the other women had been massacred by them near the Deyermen Déré [River], just outside Trebizond. This was not an exceptional incident; the Gendarmes continuously fetched away women from the Orphanage. On the same day some hundred children from 5 to 9 years old were taken away and have not since been heard of. They were drowned at sea. This again was not exceptional. Babies were constantly dying; there was no food or any sort of care. Ali Sahib seemed to be in charge of the babies." Siranouche then went on to describe in detail the drowning of an Armenian woman and her two children and two other Armenian women.

Mehmed Ali was among the convicts and prominent suspects whom the British interned in Malta. He arrived there in September 1920 but is reported to have escaped in December of that year.

For the British file on Mehmed Ali, see Vartkes Yeghiayan, ed., *British Foreign Office Dossiers on Turkish War Criminals* (La Verne: Armenian American International College, 1991), pp. 430-36.

properties to be stolen and subject to loss. Nuri did have some gendarmerie officials sent before a military tribunal for stealing abandoned property, but he did nothing to prevent such acts. He knew that Jemal Azmi Bey and those in his service had smuggled out such goods, just as he knew that women and children were transported by the police and gendarmes on to boats to be drowned at sea. He claimed that he was so terribly distressed by all this that he even locked himself in his office, but he did nothing to halt the misdeeds of the governor and did not even have the courage to resign so that a successor might have the chance to prevent further perpetration of these shameful acts.

Adjente Mustafa Bey, although having only the rank of private, was able because of his association with Jemal Azmi to gain important military positions, including responsibility for the harbor and for shipping. He abused his powers, however, by using military naval vessels to transport the abandoned and personal goods seized by Jemal Azmi and those the governor entrusted for this purpose. Mustafa Bey did save some Armenians from deportation through his influence with the governor and his own personal standing. He had a personal fortune and, according to testimony in his favor, there was no reasonable cause for him to sacrifice his honor for the sake of further enrichment. Based on the accounts of witnesses and his own confessions, he nonetheless allowed jewelry and money which were found in a dresser delivered to him to pass into the greedy hands of Jemal Azmi without any accounting.

The defense arguments for Nuri Effendi, Mehmed Ali Effendi, and Adjente Mustafa Bey, based on the evidence, are not valid and the unanimous decision is to convict the former governor Jemal Azmi, party secretary Nail Bey, and Mehmed Ali in accordance with article 45 of the Ottoman penal code and to convict police chief Nuri and Adjente Mustafa for having misused their official positions.

Jemal Azmi and Nail Bey have been determined to be the principal co-perpetrators and as such, according to article 45, are to be punished as if each is the sole perpetrator. That article states that those who use bribery, threats, or fraud or who take advantage of their influence or office to incite others to commit a crime, or who knowingly procure arms or other means to help with the crime, or who assist a principal perpetrator in the commission of a crime are deemed to be accessories to the crime. Those who are aware of the deeds and acts of criminals who engage in brigandage or who use violence against the safety of the government or public tranquility and the security of life and property are deemed to be accessories. Mehmed Ali therefore is judged to be an accessory.

Because the actions of Jemal Azmi Bey and Nail Bey correspond to article 171 of the penal code for the military, which states that looting or damag-

ing of collectives stores, provisions, or possessions by armed or unarmed attack or damaging a building or applying pressure on persons to do so shall be punishable by death, and because these actions also correspond to article 170 of the penal code for officials, which states that premeditated murder is punishable by death, Jemal Azmi and Nail Bey are sentenced to death and their property is seized.

In accordance with article 45 of the penal code on being an accessory to the commission of a crime, Mehmed Ali Effendi is sentenced to hard labor for a period of ten years commencing from the day of his arrest.

Because the actions of Adjente Mustafa Effendi and Nazif Effendi, based on article 172 of the penal code for officials which states that officials who misuse their positions are to be sentenced to prison for a period of three months to three years (or no less than 15 days or a fine if there are mitigating circumstances) and shall be permanently or temporarily stripped of their title, the two convicted men are sentenced to prison for one year and stripped of their titles of office for two years.

As regards Niyazi Effendi, it is understood that he was traveling back and forth to Istanbul by motorboat to transport mines that were gathered from the sea and that his return to Trebizond did not correspond to the period of the deportations. There is no evidence that he participated in the massacres or engaged in looting. Although he did receive abandoned goods at a very advantageous price through the favorable disposition of Jemal Azmi Bey, he did not become corrupted or take personal advantage of the situation. Rather, using the influence he earned by courageously transporting mines to the capital, he was able to stop the auctions of the seized properties and instead to purchase some of these through a public offer. Since only a small part of the properties he acquired was purchased during the most dangerous period of the war, his actions cannot be deemed a legal offence, and Niyazi Effendi is acquitted of the charge of massacre, plundering, and looting and is not held responsible for the other matters.

Talaat Bey, although he did not participate in the crimes being considered and as the testimony of certain witnesses against him have not sufficiently demonstrated whether or not he carried out honorably his responsibilities in the commission on war taxes and because these actions are outside the scope of the current proceedings, he is acquitted and the issue will be taken up by the appropriate department. If Talaat Bey and Niyazi Effendi are not being held on other charges, they are to be released.

As for chief health official Ali Saib Bey, a separate trial will be held for him to allow for further investigation of certain matters that appear to require elucidation.

This decision is given unanimously in the presence of all defendants except for Jemal Azmi and Nail in absentia.

Signed: Lieutenant General Mustafa Nazim Pasha; Major General Zeki Pasha; Major General Mustafa Pasha; Major General Ali Nazim Pasha; Colonel Rejeb Ferdi Bey.

Chief Recorder of the Courts-Martial, Abidin Taver, 22 May 1335.⁷

⁷ *Takvimi Vekayi*, 22 Mayıs 1335 (May 22, 1919).



Jemal Azmi



Behaeddin Shakir



Arshavir Shiragian



Aram Yerganian